ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-701

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Rental Housing Act of 1985 to ensure independent decision-making by the Rent Administrator, to clarify that the role and purpose of the Housing Regulation Administration is to provide administrative support to the Rental Accommodations Division and the Conversion and Sale Division within the Department of Housing and Community Development, and to clarify that the Office of Administrative Hearings may adjudicate complaints of nonpayment of interest on security deposits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing Regulation Administration Amendment Act of 2008".

Sec. 2. The Rental Housing Act of 1985, effective, July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

Amend § 42-3401.03

(a) Section 103(10) (D.C. Official Code § 42-3401.03(10)) is amended to read as follows:

"(10) "Division" means the Rental Accommodations Division established by section 203 or the Rental Conversion and Sale Division established by section 204a.".

Amend § 42-3502.03

(b) Section 203 (D.C. Official Code § 42-3502.03) is amended to read as follows:

"Sec. 203. Rental Accommodations Division of the Department of Housing and Community Development.

"There is established within the Department of Housing and Community Development the Rental Accommodations Division, which shall have as its head a Rent Administrator.".

(c) Section 203a is redesignated as section 204b.

(d) A new section 203a is added to read as follows:

"Sec. 203a. Rent Administrator - Appointment and removal.

"(a) The Rent Administrator shall be appointed by the Mayor with the advice and consent of the Council.

"(b) The Mayor shall transmit a nomination of the Rent Administrator to the Council, for a 90-day period of review, excluding days of Council recess, including any Rent Administrator holding that position on the effective date of the Housing Regulation

Administration Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-979). If the Council does not approve by resolution a nomination of the Rent Administrator within the 90-day period of review, the nomination shall be deemed disapproved.

"(c) The Rent Administrator shall serve a 3-year term. The Mayor may appoint the same person to serve as the Rent Administrator for successive terms subject to the advice and consent of the Council as provided by subsection (b) of this section.

"(d) The Mayor shall nominate a Rent Administrator within 6 months of:

"(1) The effective date of the Housing Regulation Administration Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-979); or

"(2) The occurrence of a vacancy in the position of Rent Administrator.

"(e) The Mayor shall remove the Rent Administrator for cause only; provided, that the Mayor shall provide the Council with a written justification within 30 days of the removal.".

(e) A new section 203b is added to read as follows:

"Sec. 203b. Rent Administrator - Qualifications and compensation.

"The Rent Administrator shall:

"(1) Be admitted to practice before the District of Columbia Court of Appeals by the time the Rent Administrator's term of office commences;

"(2) Be a resident of the District within 6 months of the commencement of the Rent Administrator's term of office;

"(3) Possess skills and expertise relevant to rental housing, preferably in the area of rent control or rent stabilization; and

"(4) Receive annual compensation equivalent to that received by a District employee compensated at the grade of 15 of the District schedule established under Title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.01 *et seq.*).".

(f) A new section 204a is added to read as follows:

"Sec. 204a. Rental Conversion and Sale Division of the Department of Housing and Community Development Rental Conversion and Sale Administrator.

"(a) There is established within the Department of Housing and Community Development the Rental Conversion and Sale Division, which shall have as its head a Rental Conversion and Sale Administrator.

"(b) The Rental Conversion and Sale Administrator shall receive annual compensation equivalent to that received by a District employee compensated at the grade of 15 of the District schedule established under Title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.01 *et seq.*).".

(g) A new section 204c is added to read as follows:

"Sec. 204c. Housing Regulation Administration; Housing Regulation Administrator.

"(a) There is established within the Department of Housing and Community

Development, the Housing Regulation Administration, which shall have as its head a Housing Regulation Administrator. The Housing Regulation Administrator shall be appointed by, and report directly to, the Director of the Department of Housing and Community Development.

"(b)(1) The Housing Regulation Administration shall provide such administrative support to the Rent Administrator and the Rental Conversion and Sale Administrator as may be necessary to fulfill their statutory and regulatory responsibilities.

"(2) The Housing Regulation Administrator shall work cooperatively with the Rent Administrator and the Rental Conversion and Sale Administrator to promote administrative efficiency, complete and accurate record-keeping, and the prompt review and disposition of matters pending before them.

"(3) The Housing Regulation Administrator shall not have a supervisory role over the Rent Administrator and the Rental Conversion and Sale Administrator.".

(h) Section 217(b) (D.C. Official Code § 42-3502.17(b)) is amended by adding the phrase "and for the nonpayment of interest on tenant security deposits" after the phrase "tenant security deposits". **Amend § 42-3502.17**

Sec. 3. Fiscal impact statement.

The Council adopts the December 15, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(1), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 16, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-702

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

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To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that the Mayor shall transmit all settlements, including arbitration awards, within 60 days after the parties have reached agreement or an arbitration award has been issued.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Timely Transmission of Compensation Agreements Amendment Act of 2008".

Amend § 1-617.17

Sec. 2. Section 1717(i)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(i)(1)), is amended by striking the phrase "Council with a budget" and inserting the phrase "Council within 60 days after the parties have reached agreement or an arbitration award has been issued with a budget" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 16, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-703

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2009

Codification District of Columbia Official Code

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To amend section 12-301 of the District of Columbia Official Code to increase the statute of limitations for civil actions arising out of allegations of incidents of sexual abuse; to amend section 16-914 of the District of Columbia Official Code to grant minor parents the right to file for custody of their children; to amend Chapter 10 of Title 16 of the District of Columbia Official Code to increase the legal protections available to minor victims of dating and domestic violence, to hold minor perpetrators accountable and provide them with appropriate interventions, to compensate minor victims of dating and domestic violence for expenses relating to their abuse, to revise the definitions relating to intrafamily offenses, to update the procedures used in intrafamily proceedings, to clarify the roles of various government agencies referenced in these proceedings, and to clarify the continuing effectiveness of a temporary protection order when a default civil protection order is issued; and to amend the Human Rights Act of 1977, the Prevention of Child Abuse and Neglect Act of 1977, the Integrated Funding and Services for At-Risk Children, Youth and Families Act of 2006, sections 14-310, 16-801, 16-831.01, and 16-1031 of the District of Columbia Official Code, the Rental Housing Act of 1985, and the District of Columbia Unemployment Compensation Act to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Intrafamily Offenses Act of 2008".

Amend § 12-301

Sec. 2. Section 12-301 of the District of Columbia Official Code is amended by adding a new paragraph (11) to read as follows:

"(11) for the recovery of damages arising out of sexual abuse that occurred while the victim was a minor – 7 years from the date that the victim attains the age of 18, or 3 years from when the victim knew, or reasonably should have known, of any act constituting abuse, whichever is later.".

Sec. 3. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-914 is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase "D.C. Official Code section 16-1001(5)" both times it appears and inserting the phrase "§ 16-1001(8)" in its place. Amend § 16-914

(2) A new subsection (a-3) is added to read as follows:

"(a-3)(1) A minor parent, or the parent, guardian, or other legal representative of a minor parent on the minor parent's behalf, may initiate a custody proceeding under this chapter.

"(2) For the purposes of this subsection, the term "minor" means a person under 18 years of age.".

(b) Chapter 10 is amended as follows:

(1) The table of contents for subchapter I is amended as follows:

(A) Strike the phrase "16-1002. Complaint of criminal conduct; referrals to Family Division." and insert the phrase "16-1002. Complaint of criminal conduct." in its place.

(B) Strike the phrase "16-1006. Dismissal of petition; notice." and insert the phrase "16-1006. Jurisdiction." in its place.

(2) Sections 16-1001, 16-1002, 16-1003, and 16-1004 are amended to read as follows:

"§ 16-1001. Definitions. Amend § 16-1001

"For the purposes of this subchapter, the term:

"(1) "Attorney General" means the Attorney General for the District of Columbia.

"(2) "Court" means the Superior Court of the District of Columbia.

"(3) "Custodian" shall have the meaning as provided in § 16-2301(12).

"(4) "Domestic partnership" shall have the same meaning as provided in § 32–701(4).

"(5) "Domestic Violence Unit" means any subdivision of the court designated by court rule, or by order of the Chief Judge of the court, to hear proceedings under this subchapter.

"(6) "Interpersonal violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

"(A) With whom the offender shares or has shared a mutual residence; or

"(B) Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender.

"(7) "Intimate partner violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

"(A) To whom the offender is or was married;

"(B) With whom the offender is or was in a domestic partnership; or

"(C) With whom the offender is or was in a romantic, dating, or sexual relationship.

"(8) "Intrafamily offense" means interpersonal, intimate partner, or intrafamily violence.

"(9) "Intrafamily violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

"(10) "Judicial officer" means the Chief Judge, an Associate Judge, or a Magistrate Judge of the court.

"(11) "Minor" means a person under 18 years of age.

"(12) "Petitioner" means ~~any person who alleges, or for whom is alleged, that he~~ or she is the victim of interpersonal, intimate partner, or intrafamily violence, stalking, sexual assault, or sexual abuse.

"(13) "Respondent" means any person 12 years of age or older against whom a petition for civil protection is filed under this subchapter.

"§ 16-1002. Complaint of criminal conduct.

Amend § 16-1002

"A petitioner has a right to seek relief under this subchapter. This right does not depend on the decision of the Attorney General, the United States Attorney for the District of Columbia, or a prosecuting attorney in any jurisdiction to initiate or not to initiate a criminal or delinquency case or on the pendency or termination of a criminal or delinquency case involving the same parties or issues. Testimony of the respondent in any civil proceedings under this subchapter shall be inadmissible as evidence in a criminal trial or delinquency proceeding except in a prosecution for perjury or false statement.

"§ 16-1003. Petition for civil protection.

Amend § 16-1003

"(a) A petitioner, or a person authorized by this section to act on petitioner's behalf, may file a petition for civil protection in the Domestic Violence Unit against a respondent who has allegedly committed or threatened to commit one or more criminal offenses against the petitioner; provided, that:

"(1) If the petitioner is a minor, the petitioner's parent, guardian, custodian, or other appropriate adult may file a petition for civil protection on the petitioner's behalf;

"(2) A minor who is 16 years of age or older may file a petition for civil protection on his or her own behalf;

"(3) A minor who is at least 12 but less than 16 years of age and a victim of intimate partner violence may file a petition for civil protection and participate in a hearing to seek a temporary protection order without a parent, guardian, custodian, or other appropriate adult acting on his or her behalf, but, under these circumstances, the court may appoint an attorney for the minor in accordance with section 16-1005(a-1)(3), if necessary, and if doing so will not unduly delay the issuance or denial of a temporary protection order;

"(4) A minor who is at least 12 but less than 16 years of age and a victim of interpersonal or intrafamily violence may petition for civil protection only if his or her parent,

guardian, or custodian files the petition on his or her behalf;

"(5) A minor who is less than 12 years of age may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf; and

"(6) A custodial parent, guardian, or custodian of a minor may not file a petition for civil protection against the minor.

"(b) The Attorney General may provide individual legal representation to a petitioner, or person authorized by this section to act on petitioner's behalf, who files a petition in accordance with subsection (a) of this section. Whenever the Attorney General represents a petitioner under subsection (a) of this section, the representation shall continue until the civil protection order terminates or the Attorney General withdraws his or her appearance, whichever is earlier.

"(c) If a petitioner is unable to file a petition on his or her own behalf or with the assistance of a parent, guardian, custodian, or other appropriate adult in accordance with subsection (a) of this section, the Attorney General may file a petition for civil protection on the petitioner's behalf at the request of the petitioner, the petitioner's representative, or a government agency. When proceeding on a petition filed under this subsection, the Attorney General represents the interests of the District of Columbia.

"§ 16-1004. Petition; notice; temporary order.

Amend § 16-1004

"(a) Upon a filing of a petition for civil protection, the Domestic Violence Unit shall set the matter for hearing, consolidating it, where appropriate, with other matters before the court involving members of the same family.

"(b)(1) If, upon the filing of a petition under oath, a judicial officer finds that the safety or welfare of the petitioner or a household member is immediately endangered by the respondent, the judicial officer may issue, ex parte, a temporary protection order.

"(2) An initial temporary protection order shall not exceed 14 days except, if the last day falls on a Saturday, Sunday, a day observed as a holiday by the court, or a day on which weather or other conditions cause the court to be closed, the temporary protection order shall extend until the end of the next day on which the court is open. The court may extend a temporary protection order in additional 14 day increments, or longer increments with the consent of the parties, as necessary until a hearing on the petition is completed.

"(3) If a respondent fails to appear for a hearing on a petition for civil protection after having been served in accordance with the Rules of the Superior Court of the District of Columbia, and a civil protection order is entered in accordance with § 16-1005, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

"(c) A temporary protection order issued pursuant to this section shall include a notice explaining that:

"(1) If the day on which the temporary protection order is set to expire is a Saturday, Sunday, a day observed as a holiday by the court, or a day on which the weather or

other conditions cause the court to be closed, the temporary protection order shall remain in effect until the end of the next day on which the court is open; and

"(2) If the respondent fails to appear for a hearing on a petition for civil protection after having been served, and a civil protection order is entered, the temporary protection order will remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

"(d) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent, and in cases where the respondent is a minor, the respondent's custodial parent, guardian, or custodian, shall be served with notice of the hearing and an order to appear, a copy of the petition, and a temporary protection order, if entered. The court may also cause notice to be served on others whose presence at the hearing is necessary to the proper disposition of the matter.

"(e) If a minor has filed a petition for civil protection without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to subsection (b)(1) of this section and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor. If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.".

(3) Section 16-1005 is amended as follows: **Amend § 16-1005**

(A) Subsection (a) is amended to read as follows:

"(a) Individuals served with notice in accordance with § 16-1004 shall appear at the hearing.".

(B) A new subsection (a-1) is added to read as follows:

"(a-1)(1) In a case where the Attorney General files the petition on behalf of a petitioner pursuant to § 16-1003(c), the petitioner is not a required party.

"(2) In a case where a parent, guardian, custodian, or other appropriate adult files a petition on behalf of a minor petitioner under the age of 12, the minor petitioner is not a required party.

"(3) In a hearing under this section, if a parent, guardian, custodian, or other appropriate adult has petitioned for civil protection on behalf of a minor petitioner 12 years of age or older, the court shall consider the expressed wishes of the minor petitioner in deciding whether to issue an order pursuant to this section and in determining the contents of such an order.

"(4) If a respondent is a minor, or if the petitioner is a minor and at least 12 years of age, and if the minor is not accompanied by a parent, guardian, custodian, other appropriate adult, or represented by an attorney, the court may appoint an attorney to represent

the minor if such an appointment would not unduly delay the issuance or denial of a protection order. The court may promulgate rules for the appointment of attorneys.".

(C) Subsection (c) is amended to read as follows:

"(c) If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner, the judicial officer may issue a protection order that:

"(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other protected persons;

"(2) Requires the respondent to stay away from or have no contact with the petitioner and any other protected persons or locations;

"(3) Requires the respondent to participate in psychiatric or medical treatment or appropriate counseling programs;

"(4) Directs the respondent to refrain from entering, or to vacate, the dwelling unit of the petitioner when the dwelling is:

"(A) Marital property of the parties;

"(B) Jointly owned, leased, or rented and occupied by both parties; provided, that joint occupancy shall not be required if the respondent's actions caused the petitioner to relinquish occupancy;

"(C) Owned, leased, or rented by the petitioner individually; or

"(D) Jointly owned, leased, or rented by the petitioner and a person other than the respondent;

"(5) Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;

"(6) Awards temporary custody of a minor child or children of the parties;

"(7) Provides for visitation rights with appropriate restrictions to protect the safety of the petitioner;

"(8) Awards costs and attorney fees;

"(9) Orders the Metropolitan Police Department to take such action as the judicial officer deems necessary to enforce its orders;

"(10) Directs the respondent to relinquish possession of any firearms;

"(11) Directs the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or

"(12) Combines 2 or more of the preceding provisions.".

(D) Subsection (d) is amended by striking the phrase "Family Division" both times it appears and inserting the phrase "judicial officer" in its place.

(E) Subsection (f) is amended by striking the phrase "and respondent's failure to appear as required by § 16-1004(b)" and inserting the phrase "or respondent's failure to appear as required by subsection (a) of this section" in its place.

(F) A new subsection (g-1) is added to read as follows:

"(g-1) Enforcement proceedings under subsections (f) and (g) of this section in which the respondent is a child as defined by § 16-2301(3) shall be governed by subchapter I of Chapter 23 of this title.".

(G) Subsection (i) is amended by striking the phrase "(f) or (g)" and inserting the phrase "(f), (g), or (g-1)" in its place.

(4) Section 16-1006 is amended to read as follows: Amend § 16-1006

"§ 16-1006. Jurisdiction.

"A petitioner may file a petition for protection under this subchapter if:

"(1) The petitioner resides, lives, works, or attends school in the District of Columbia:

"(2) The petitioner is under the legal custody of a District government agency; or

"(3) The underlying offense occurred in the District of Columbia.".

Sec. 4. Conforming amendments.

(a) The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(1) Section 102(14A) (D.C. Official Code § 2-1401.02(14A)) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 2-1401.02

(2) Section 221(f) (D.C. Official Code § 2-1402.21(f)) is amended as follows: Amend § 2-1402.21

(A) Paragraph (2) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place.

(B) Paragraph (3) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place.

(b) Section 506(b)(3) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1305.06(b)(3)), is amended by striking the phrase "abuse, as defined in § 16-1001(5)" and inserting the phrase "offense, as defined in § 16-1001(8)" in its place. Amend § 4-1305.06

(c) Section 5202(2)(D) of the Integrated Funding and Services for At-Risk Children, Youth and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.01(2)(D)), is amended by striking the phrase "§ 16-1031" and inserting the phrase "§ 16-1001(7)" in its place. Amend § 4-1345.01

(d) Subsection 14-310(a)(4) of the District of Columbia Official Code is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 14-310

(e) Section 16-801(9)(A) of the District of Columbia Official Code is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 16-801

(f) Section 16-831.01(2) of the District of Columbia Official Code is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 16-831.01

(g) Section 16-1031(b) of the District of Columbia Official Code is amended by striking the phrase "under section 16-1002". Amend § 16-1031

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(h) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(1) Section 501(c-1)(1) (D.C. Official Code § 42-3505.01(c-1)(1)) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 42-3505.01

(2) Section 507 (D.C. Official Code § 42-3505.07) is amended as follows: Amend § 42-3505.07

(A) Subsection (b) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place.

(B) Subsection (c) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place.

(3) Section 508(a) (D.C. Official Code § 42-3505.08(a)) is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 42-3505.08

(i) Section 31 of the District of Columbia Unemployment Compensation Act, effective June 19, 2004 (D.C. Law 15-171; D.C. Official Code § 51-131), is amended by striking the phrase "§ 16-1001(5)" and inserting the phrase "§ 16-1001(8)" in its place. Amend § 51-131

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 22, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-704

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

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To amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to require the Commissioner of the Department of Insurance, Securities, and Banking to determine whether the portion of a hospital and medical services corporation's surplus that is attributable to the District is excessive, to require hospital and medical services corporations to submit a plan for the dedication of excess surplus, to require hospital and medical services corporations to continue to offer the open enrollment program to subscribers as long as the subscribers renew their coverage under the program, to set affordability and adequacy standards for the open enrollment program, to require hospital and medical services corporations to advertise the availability of the open enrollment program, and to prohibit hospital and medical services corporations from converting to for-profit entities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Insurance Empowerment Amendment Act of 2008".

Sec. 2. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3501) is amended as follows: Amend § 31-3501

(1) Designate paragraph (1) as paragraph (1B).

(2) New paragraphs (1) and (1A) are added to read as follows:

"(1) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

"(1A) "Community health reinvestment" means expenditures that promote and safeguard the public health or that benefit current or future subscribers, including premium rate reductions.".

(b) Section 4(a) (D.C. Official Code § 31-3503(a)) is amended as follows: Amend § 31-3503

(1) Paragraph (25) is amended by striking the phrase "; and" and inserting a

semicolon in its place.

(2) Paragraph (26) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (27) is added to read as follows:

"(27) The Risk-Based Capital Act of 1996, effective April 9, 1997 (D.C. Law 11-233; D.C. Official Code § 31-2001 *et seq.*), requiring insurers to file with the Mayor annual risk-based capital reports.".

(c) A new section 6a is added to read as follows:

"Sec. 6a. Community health reinvestment.

"A corporation shall engage in community health reinvestment to the maximum feasible extent consistent with financial soundness and efficiency.".

(d) Section 7 (D.C. Official Code § 31-3506) is amended by adding new subsections (e), (f), (g), (h), and (i) to read as follows:

Amend § 31-3506

"(e) Within 120 days after the effective date of the Medical Insurance Empowerment Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-934), and annually thereafter, the Commissioner shall review the portion of the surplus of the corporation that is attributable to the District and shall issue a determination as to whether the surplus is excessive. The surplus may be considered excessive only if:

"(1) The surplus is greater than the appropriate risk-based capital requirements as determined by the Commissioner for the immediately preceding calendar year; and

"(2) After a hearing, the Commissioner determines that the surplus is unreasonably large and inconsistent with the corporation's obligation under section 6(a).

"(f) In determining whether the surplus of the corporation that is attributable to the District is excessive, the Commissioner shall take into account all of the corporation's financial obligations arising in connection with the conduct of the corporation's insurance business, including premium tax paid and the corporation's contribution to the open enrollment program required by section 15.

"(g)(1) If the Commissioner determines that the surplus of the corporation is excessive, the Commissioner shall order the corporation to submit a plan for dedication of the excess to community health reinvestment in a fair and equitable manner.

"(2) A plan submitted pursuant to paragraph (1) of this subsection may consist entirely of expenditures for the benefit of current subscribers of the corporation.

"(h) When determining what surplus is attributable to the District and whether the surplus is excessive, the Commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals, the cost of which shall be borne by the corporation.

"(i) If the Commissioner determines that the corporation failed to submit a plan as ordered under subsection (g) of this section within a reasonable period or failed to execute within a reasonable period a plan already submitted under subsection (g) of this section, the Commissioner shall deny for 12 months all premium rate increases for subscriber policies

written in the District sought by the corporation pursuant to section 9 and may issue such orders as are necessary to enforce the purposes of this act.".

(e) A new section 7a is added to read as follows:

"Sec. 7a. Compliance and implementation of community health reinvestment obligations.

"(a) A corporation shall make available to the Commissioner such information as may be required to permit the Commissioner to verify the corporation's community health reinvestment and, if appropriate, its compliance with its plan to dedicate excess surplus. When verifying the community health reinvestment or the corporation's compliance with its plan, the Commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals, the cost of which shall be borne by the corporation.

"(b) In implementing the provisions of the Medical Insurance Empowerment Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-934), the Commissioner shall consider the interests and needs of the jurisdictions in the corporation's service area.".

Amend § 31-3514

(f) Section 15 (D.C. Official Code § 31-3514) is amended as follows:

(1) Subsection (j)(2) is amended by striking the phrase "may order an independent" and inserting the phrase "shall order annually an independent" in its place.

(2) Subsection (k) is amended to read as follows:

"(k) A corporation shall continue to offer the program to each subscriber as long as the subscriber renews his or her coverage under the program.".

(3) New subsections (m), (n), and (o) are added to read as follows:

"(m) The open enrollment program shall maintain the following affordability and adequacy criteria for individual participants:

"(1) Annual premium costs shall not exceed 125% of standard individual market rates and shall be determined once every 12 months.

"(2) Cost sharing, deductibles, and co-insurance shall not exceed those in the corporation's most popular policy available to small employers in the District.

"(3) Subscriber contracts shall not contain service limitations or lifetime or annual benefit maximums.

"(4) Subscriber contracts and contract forms shall be subject to section 9.

"(5) Subscriber contracts and contract forms shall not contain exclusions or riders for pre-existing conditions.

"(n) A corporation shall prominently advertise the availability of its open enrollment subscriber contracts continuously on the Internet and at least quarterly in a newspaper of general circulation throughout the District. The content and format of the advertising shall be filed with the Commissioner no less than 30 days before its appearance in a newspaper or on the Internet.

"(o) The corporation shall make the open enrollment program available for a minimum of 2500 subscribers. The corporation shall submit a report annually on October 1 to the

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Commissioner on the number of subscribers enrolled.".

(g) Section 16 (D.C. Official Code § 31-3515) is amended to read as follows:

"Sec. 16. Conversion to a for-profit entity.

"A corporation issued a certificate of authority under this act shall not be converted into a stock corporation, partnership, limited liability company, or other business entity organized for profit.".

(h) Section 17 (D.C. Official Code § 31-3516) is amended to read as follows: Amend § 31-3516

"Sec. 17. Conversion to a mutual company.

"A corporation issued a certificate of authority under this act shall not be converted into a mutual insurance company.".

(i) A new section 24a is added to read as follows:

"Sec. 24a. Regulatory authority.

"Nothing in this act shall be construed to diminish the authority of the Council to regulate the affairs of Group Hospitalization and Medical Services, Inc.".

(j) Section 25 (D.C. Official Code § 31-3524) is amended by striking the word "may" and inserting the word "shall" in its place. Amend § 31-3524

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 22, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-705

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the District of Columbia Public Works Act of 1954 to broaden the bases for the determination of sanitary sewer service charges to include impervious surface area and to provide for an appeal process for the assessment of an impervious surface fee; and to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to authorize the General Manager of the District of Columbia Water and Sewer Authority to restrict combined sewer flow into the District from Maryland and Virginia, to require the District of Columbia Water and Sewer Authority to develop a comprehensive report to assess the impact of rate increases on low-income households, to develop a aggressive strategy to enroll qualified low-income customers in assistance programs, to create a low-impact design incentive program for low-income customers, to institute an ongoing analysis and assessment of the overall impact of low-impact development projects on the reduction of pollutants, and to establish a retroactive credit program for impervious surface fee discounts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008".

Amend § 34-2107

Sec. 2. Section 207 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 106; D.C. Official Code § 34-2107), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended to read as follows:

"(a) The sanitary sewer service charges established under the authority of this title shall be based on the following:".

(2) Paragraph (1) is amended to read as follows:

"(1) A billing methodology which takes into account both the water consumption of, and water service to, a property and the amount of impervious surface on a property that either prevents or retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow,

relative to the flow present under natural conditions. For the purposes of this paragraph, the term "surface" shall include rooftops, footprints of patios, driveways, private streets, other paved areas, athletic courts and swimming pools, and any path or walkway that is covered by impervious material".

(3) Paragraph (2) is repealed.

(b) A new subsection (c) is added to read as follows:

"(c) Any owner or occupant of a property that is assessed an impervious surface fee has a right to an appeal under section 1805.".

Sec. 3. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

Amend § 34-2202.06

(a) Section 206 (D.C. Official Code § 34-2202.06) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) The General Manager, in his or her sole discretion, may restrict combined sewer flow into the District from Maryland and Virginia, so long as the action does not violate section 218.".

Amend § 34-2202.16

(b) Section 216 (D.C. Official Code § 34-2202.16) is amended by adding a new subsection (b-1) to read as follows:

"(b-1)(1) The Authority shall offer financial assistance programs to mitigate the impact of any increases in retail water and sewer rates on low-income residents of the District, including a low-impact design incentive program.

(2) Within 6 months of the effective date of the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-935), the authority shall provide a report to the Council of the District of Columbia detailing the number of low-income residents affected by increases in retail water and sewer rates and strategies that will significantly increase enrollment in existing discount programs available to low-income ratepayers.".

(c) A new section 216a is added to read as follows:

"Sec. 216a. Low-impact design incentive program and fee discounts.

"(a) Within one year of the effective date of the Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-935), the Authority shall establish, together with the District Department of the Environment ("DDOE"), a low-impact design incentive program within the DDOE, to reduce the surface area that either prevents or retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow, relative to the flow present under natural conditions.

"(b) The Authority and the DDOE will continue to collect and document the effects of

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the low-impact design techniques throughout the District on reducing stormwater runoff and the possible implications of how proven, long-term reductions in stormwater runoff may be used to renegotiate the consent decree and reduce the cost and size of the Long-Term Control Plan .

"(c) Impervious surface fee discounts approved by the Authority shall be retroactive to no earlier than the date of the implementation of the impervious surface fee. A property owner may not qualify for an impervious surface fee discount until the stormwater management measures for which the property owner seeks a discount are demonstrated to be fully functional.".

Sec. 4. Fiscal impact statement.

The Council adopts the December 16, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
January 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-706

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the District Department of the Environment Establishment Act of 2005 to establish stormwater management programs to reduce the amount of stormwater pollutants that are discharged into District rivers and streams and to collect scientific data on the effects of low impact development on reducing stormwater runoff and the potential for aggressive use of low impact development technologies to reduce the cost and size of any large-scale civil engineering solutions to reducing stormwater pollution of the area's waterways, to expand the authority and responsibilities of the Director of the District Department of the Environment relating to Stormwater Permit compliance and activities, to elevate the Stormwater Permit Compliance Enterprise Fund to the program level and to include fund activities in the Mayor's annual budget, to establish a Stormwater User Fee Discount Program to offer incentives to encourage the installation of innovative stormwater management controls, to provide for the reduction of impervious surfaces in public space, to institutionalize progressive stormwater management practices for District agencies, to expand the membership of the Stormwater Advisory Panel to improve stormwater management coordination between District agencies, and to create limitations on the usage and sale of coal tar pavement product; to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to modify the stormwater user fee structure using a city-wide impervious area methodology, and thereby establish a more accurate and equitable assessment of stormwater runoff generated from properties, and the costs associated with managing that runoff, to provide adequate and stable funding for MS4 permit implementation, to permit owners of properties charged stormwater user fees to contest stormwater user fee bills,, and to require the Mayor to offer financial assistance programs to mitigate the impact of increases in stormwater user fees on low-income residents of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Stormwater Management Enhancement Amendment Act of 2008".

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Sec. 2. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-151.01) is amended to read as follows: Amend § 8-151.01

"Sec. 101. Definitions.

"For the purposes of this act, the term:

"(1) "CapStat" means an accountability program that examines performance data to improve government services to make the District of Columbia government run more efficiently, using a methodical process for focusing the attention of government representatives on improving performance in priority issues that cross agency boundaries.

"(2) "DDOE" means the District Department of the Environment.

"(3) "Director" means the Director of the District Department of the Environment.

"(4) "Environment" means the physical conditions and natural resources of the District, including the land, air, water, minerals, flora, and fauna in the District, and the waters adjacent to the District.

"(5) "Environmental Management System" or "EMS" means an interagency data system to inventory, track, and report on progress towards performance standards and activities. The term "EMS" includes an adaptive management approach that incorporates planning, implementing, monitoring, evaluating, and adjusting the interagency data system.

"(6) "Impervious area stormwater user fee" or "stormwater user fee" means a fee that attributes the cost of conveying stormwater run-off via a sewer from a given property, to the quantity of stormwater run-off generated from that same property, by use of impervious surface as a surrogate metric.

"(7) "Impervious surface" means a surface area that either prevents or retards the entry of water into the ground as occurring under natural conditions, or that causes water to run off the surface in greater quantities or at an increased rate of flow, relative to the flow present under natural conditions.

"(8) "Low Impact Development" or "LID" means stormwater management practices that mimic site hydrology under natural conditions, by using design techniques in construction and development that store, infiltrate, evaporate, detain, or reuse and recycle runoff.

"(9) "MS4" means the Municipal Separate Storm Sewer System serving approximately two-thirds of the District, and comprised of 2 independent piping systems: one system for sewage from homes and businesses, and one system for stormwater.

"(10) "Natural conditions" means the state of the environment prior to anthropogenic intervention.

"(11) "Primacy" means the grant or delegation of authority under certain federal environmental laws that allows states and the District to assume primary authority to enforce and implement the environmental laws and promulgate regulations pursuant to those laws.

"(12) "SDWA" means the Safe Drinking Water Act, approved December 16, 1974 (88 Stat. 1660; 42 U.S.C. § 300f *et seq.*).

"(13) "Sewer" shall have the same meaning as provided in section 201(9) of the Water and Sewer Authority Establishment and Department of Public Work Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.01(9))."

"(14) "Stormwater best management practice" means a structure used to reduce the volume or the pollutant content of a stormwater discharge.

"(15) "Stormwater Permit" or "MS4 Permit" means NPDES No. DC0000221, issued April 20, 2000 to the District of Columbia by the Environmental Protection Agency.".

(b) A new Title I-A is added to read as follows:

"TITLE I-A. STORMWATER MANAGEMENT.

"Sec. 151. Stormwater Administration.

"(a) There is established within the District Department of the Environment a Stormwater Administration ("Administration"), pursuant to section 103(b)(2). The Administration shall be responsible for monitoring and coordinating the activities of all District agencies, including the activities of the District of Columbia Water and Sewer Authority ("DC WASA"), which are required to maintain compliance with the Stormwater Permit. The Director shall designate a Stormwater Administrator to manage the Administration.

"(b) The expenses of the Administration shall be disbursed from the Stormwater Permit Compliance Enterprise Fund established pursuant to section 152.

"(c) The District Department of Transportation, the Department of Public Works, the Office of Planning, the Office of Public Education Facilities Modernization, the Office of Property Management, the Department of Parks and Recreation, and DC WASA, and any other District agency identified by the Director ("Stormwater Agencies"), shall comply with all requests made by the Director relating to stormwater related requests, compliance measures, and activities, including the adoption of specific standards, and the submission of information, plans, proposed budgets, or supplemental budgets related to stormwater activities. In coordination with the submission of the report required by subsection (f) of this section, the Stormwater Agencies shall submit annual reports of steps implemented to fulfill or exceed their MS4 Permit obligations, as defined by the Director.

"(d) At least once each fiscal year in a CapStat or comparable session, the Mayor shall review the compliance of the Stormwater Agencies with the requests made by the Director relating to MS4 Permit compliance and activities.

"(e) All budgets submitted by the Mayor to the Council shall include a written determination by the Director of whether the budget adequately funds MS4 Permit compliance and activities. The Director shall inform the Council of any deficiency, and indicate the revisions that shall be made to correct the deficiency.

"(f) The Director shall provide to the Mayor, the Council, and the public, the annual report submitted to the Environmental Protection Agency ("EPA") under the terms of the Stormwater Permit.

"(g) Within one year of the effective date of this section, the Director shall institute an Environmental Management System to inventory, track, and report on pollution prevention and stormwater management activities, and to hold the Stormwater Agencies accountable for progress toward meeting the performance standards and obligations required to meet the stormwater management plan of the Stormwater Permit.

"Sec. 152. Stormwater Permit Compliance Enterprise Fund.

"(a) There is established within the District Department of the Environment a Stormwater Permit Compliance Enterprise Fund ("Enterprise Fund"), pursuant to section 103(b)(2). The Director shall allocate the Fund resources to carry out the MS4 Permit activities that have the greatest impact on reducing stormwater pollution.

"(b) Beginning in fiscal year 2010 and each year thereafter, the Mayor shall propose the Fund with an agency level budget. The Mayor shall submit to the Council, as part of the annual budget, proposed budgets that include expenditures of the Enterprise Fund for stormwater programs, including intra-District funds sufficient to fulfill the MS4 Permit obligations of the Stormwater Agencies. The proposed budgets may include funding for large-scale, multiyear projects. The Mayor shall establish benchmark and performance-measure outcomes that connect stormwater programs with funding levels.

"(c) All revenues, proceeds, and moneys collected from the stormwater user fee or from grants made for stormwater activities that are collected or received, shall be credited to the Enterprise Fund and shall not, at any time, be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia, the Water and Sewer Authority General Fund, the Cash Management Pool, or any other funds or accounts of the District of Columbia.

"(d) Monies from the Enterprise Fund shall only be used to fund the costs of complying with the MS4 Permit, including grants for stormwater activities, all administrative, operating, and capital costs of DC WASA and the agencies identified by the Director as having specific responsibilities under the, MS4 Permit and the Stormwater Administration established pursuant to section 151. The Enterprise Fund shall also be used for DC WASA's costs of billing and collecting the stormwater user fee, as authorized by District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 104; D.C. Official Code § 34-2101.01 *et seq.*).

"(e) Monies shall not be disbursed from the Enterprise Fund for costs associated with:

"(1) Stormwater management activities carried out prior to April 20, 2000, except to the extent those costs increased to comply with the terms of the Stormwater Permit; or

"(2) Stormwater management activities otherwise required by law or regulation, unless specifically permitted by the Director.

"(f) Within 90 days of the effective date of this section, the Office of the Chief Financial Officer shall convene quarterly meetings to coordinate with the fiscal officers of the Stormwater Agencies to ensure that each agency can access the Enterprise Fund to implement its activities in a timely manner.

"Sec. 153. Stormwater User Fee Discount Program.

"(a) Within one year of the enactment of an impervious area stormwater user fee by DC

WASA, the Mayor shall establish a Stormwater User Fee Discount Program to be coordinated between DC WASA and the Administration.

"(b) The program shall allow property owners who implement measures to manage stormwater runoff from their properties to receive a discount on the stormwater user fee assessed to them under section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.16).

"(c) Stormwater user fee discounts approved by the Mayor shall be retroactive to no earlier than the date of the implementation of the impervious area stormwater fee. A property owner may not qualify for a stormwater user fee discount until the stormwater management measures for which they seek a discount are demonstrated to be fully functional.

"(d) Any discount earned under this section will be revocable upon a finding by the Mayor of non-performance. Upon a finding of non-performance, the Mayor may require reimbursement of any portion of fees discounted to date.

"(e) Findings of non-performance by the Mayor may be appealed by an applicant pursuant to rules established by the Mayor.

"(f) Failure to reimburse may result in a lien being placed upon the property without further notice to the owner. The Mayor may enforce the lien in the same manner as in District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Official Code § 34-2407.02).

"Sec. 154. Stormwater management and Low Impact Development grants.

"(a) The Mayor, in coordination with DC WASA, shall establish a grant program to provide Enterprise Funds for grants and direct services to property owners in the District to employ LID or stormwater best management practices.

"(b) Funding for such grants will be contingent on maintaining adequate Enterprise Funds to address District obligations pursuant to the MS4 Permit.

"(c) Within one year of the effective date of this section, the Director of the Department of Transportation ("DDOT") shall submit to the Director an action plan recommending policies and measures to reduce impervious surfaces and promote LID projects in the public space. The action plan shall incorporate:

"(1) New DDOT policies to reduce impervious surface and employ other LID measures in right-of-way construction projects and retrofit projects;

"(2) A revised DDOT public space permitting process and the development of a mechanism to minimize stormwater runoff from the public right-of-way;

"(3) Requirements and incentives for private developers to reduce impervious surface and employ LID measures when their projects extend into the public right-of-way;

"(4) Policies, including fees, for the use of public space to manage stormwater runoff from private property;

"(5) Policies to address ongoing maintenance of LID or stormwater best management practices installed in public right-of-way areas adjacent to private property;

"(6) Strategies to remove impediments to LID projects on residential properties relating to public space; and

"(7) Costs for each recommendation and a recommended timeline for funding in the Mayor's proposed budget. The Mayor shall incorporate these recommendations in the next and subsequent proposed annual budgets.

"(d)(1) Within one year of the effective date of this section, the Director, together with the Stormwater Agencies, shall prepare a study recommending policies and measures developed to implement LID and stormwater best management practices on District properties. The Mayor shall incorporate these recommendations in the next and subsequent proposed annual budgets.

"(2) For each LID or stormwater best management practice installed, the Mayor shall require a maintenance agreement by District agencies to provide for their ongoing operation and maintenance to ensure installed practices continue to function as designed and installed to provide stormwater pollution reductions.

"(e) The Director shall include among DDOE's public educational efforts a campaign to inform the public on the benefits of preventing pollution from stormwater runoff, and to provide recommendations on how the general public can help keep the District's waterways free of pollution. The Director shall also initiate outreach actions with upstream jurisdictions to encourage their implementation of similar stormwater reduction activities.

"(f) The Director shall work with DC WASA to collect and evaluate scientific data on the effects of low impact development on reducing stormwater runoff to develop a plan for aggressive use of low impact development technologies to reduce the cost and size of any large-scale civil engineering solutions to reducing stormwater pollution of the area's waterways. The Director shall inform the Stormwater Advisory Panel, and representatives of upstream jurisdictions, the Washington Metropolitan Area Transit Authority, and the federal government of the scientific data and analyses drawn from the data.

"Sec. 155. Stormwater Advisory Panel.

"(a) There is established within the District Department of the Environment a Stormwater Advisory Panel ("Panel"), pursuant to section 103(b)(2). The Panel shall coordinate the responsibilities of the agencies and DC WASA, and shall prepare comprehensive recommendations to the Council that identify the best means by which the District can meet or exceed all present and future federal regulatory and permit requirements, pertaining to the discharge of stormwater into receiving waters.

"(b) The Panel shall be comprised of the executive officers with responsibilities pursuant to the MS4 Permit, with oversight responsibility for the administrative and financial aspects of stormwater management, or that engage in activities that impact the District's stormwater discharge:

"(1) The members of the Panel shall be:

"(A) The City Administrator;

"(B) The Chief Financial Officer;

"(C) The Director, who will serve as the Panel's Chair;

"(D) The Stormwater Administrator;
"(E) The Director of the Department of Transportation;
"(F) The Director of the Department of Public Works;
"(G) The Director of the Office of Planning;
"(H) The Director of the Office of Public Education Facilities Modernization;
"(I) The Director of the Office of Property Management;
"(J) The Director of the Department of Parks and Recreation; and
"(K) The General Manager of DC WASA.

"(2) The Director may designate additional members from other agencies whose activities impact the District's stormwater runoff.

"(3) The Director shall engage and encourage participation from representatives of the Washington Metropolitan Area Transit Authority and the federal government, including the U.S. General Services Administration and the National Parks Service.

"(c) The Panel shall hold its first meeting within 90 days of the effective date of this section. The Panel shall hold at least one public hearing to receive testimony from citizens with respect to the issues stated in subsection (e)(1) and (2) of this section.

"(d) The Panel shall meet at least 2 times each year.

"(e) The Panel shall provide its recommendations in the annual report required to be submitted to EPA Region III under the MS4 Permit. The report shall make specific findings on:

"(1) Whether the existing allocation of stormwater management responsibilities among District agencies are capable of fulfilling or exceeding present and future regulatory requirements for stormwater discharge, and if not, what changes need to be made or new government entities created;

"(2) Comprehensive recommendations, specific standards adopted, and steps implemented by the respective agency to fulfill or exceed its obligation to meet its share of federal regulatory and MS4 Permit requirements pertaining to the discharge of stormwater into receiving waters; and

"(3) Whether the existing stormwater user fee structure and rates are equitable and sufficient for the District to fulfill or exceed its present and future regulatory requirements for stormwater discharge, and, if not, what changes in fee structure and rate would be required to fulfill these responsibilities.

"(f) Within one year of the effective date of this section, the Panel shall provide to the Council and the Mayor a study of the needs for achieving water quality compliance from the District's stormwater runoff.

"(g) Panel members shall ensure that their agencies participate in the Environmental Management System to track compliance with the District's MS4 Permit obligations and other stormwater management responsibilities required to reduce pollution to the District's waters.

"(h) Within 120 days after the effective date of this act, the Panel shall establish a Technical Working Group ("TWG") of agency technical staff.

"(1) The TWG shall consist of the following 14 members:

"(A) Each Panel member shall appoint one member of the TWG.

"(B) The Mayor, the Chairman of the Council of the District of Columbia, and the Chairman of the Council committee with oversight over the District Department of the Environment shall each appoint one member; provided, that the appointees shall be non-agency stakeholders who are geographically diverse, and shall have expertise in stormwater management, land development, hydrology, natural resources conservation, environmental protection, environmental law, or other similar stormwater management expertise.

"(2) TWG members shall serve a 2-year term, and without compensation.

"(3) The Chairperson of the TWG shall be the Stormwater Administrator.

"(4) The TWG shall attend monthly meetings with the Stormwater Administrator and coordinate tracking and reporting of stormwater management activities of their agencies' efforts. The TWG shall also:

"(A) Advise the Panel on technical matters and respective agency MS4 Permit compliance requirements;

"(B) Make recommendations to the Panel regarding existing District agency rules, regulations, and policies that might create barriers to the implementation of LID or stormwater best management practices in the District; and

"(C) Suggest programmatic incentives for best management practices which were successfully implemented in other jurisdictions to promote the implementation of these stormwater management practices on new and existing properties in the District.

"(5) DDOE shall provide staff assistance to the TWG.".

(c) A new Title I-B is added to read as follows:

"TITLE I-B. PRODUCT LIMITATION OF STORMWATER MANAGEMENT.

"Sec. 181. Coal tar limitations.

"(a) For the purposes of this section, the term "coal tar pavement product" means a material that contains coal tar and is for use on an asphalt or concrete surface, including a driveway or parking lot.

"(b) No person shall sell, offer for sale, use, or permit to be used, on property he or she owns, a coal tar pavement product.

"(c)(1) Any person who violates this section shall be liable to the District for a civil penalty in an amount not to exceed $ 2,500 for each violation.

"(2) For any violation, each day of the violation shall constitute a separate offense and the penalties prescribed shall apply separately to each offense.

"(3) Adjudication of any infraction of this section shall be pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

"(d) This section shall apply as of July 1, 2009.".

Sec. 3. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

Amend § 34-2202.01

(a) Section 201(9A) and (9B) (D.C. Official Code § 34-2202.01(9A) and (9B)) are repealed.

Repeal §§ 34-2202.06a, 34-2202.06b, 34-2202.06c

(b) Sections 206a, 206b, and 206c (D.C. Official Code §§ 34-2202.06a, 34-2202.06b, and 34-2202.06c) are repealed.

Amend § 34-2202.16

(c) Section 216 (D.C. Official Code § 34-2202.16).is amended as follows:

(1) Subsections (d-1) through (d-3) are amended to read as follows:

"(d-1) The Authority shall collect a stormwater user fee established by the Director of the District Department of the Environment ("Director"), which charge the Director shall establish by rule and may from time to time amend.

"(d-2) The fee shall be collected from each property in the District of Columbia, and shall be based on an impervious area assessment of the property.

"(d-3) The Mayor shall coordinate the development and implementation of the MS4 stormwater user fee with DC WASA's impervious area surface charge, to ensure that both fee systems employ consistent methodologies.".

(2) New subsections (d-4), (d-5), (d-6), and (d-7) are added to read as follows:

"(d-4) The Mayor shall offer financial assistance programs to mitigate the impact of any increases in stormwater user fees on low-income residents of the District, and shall evaluate the applicability of similar existing District low-income assistance programs to the stormwater user fee.

"(d-5) A landlord shall not pass a stormwater user fee charge to a tenant which is more than the stormwater user fee charge prescribed by the Director

"(d-6) The stormwater user fee shall be the obligation of the property owner. Failure to pay the stormwater user fee shall result in a lien being placed upon the property without further notice to the owner. The Mayor may enforce the lien in the same manner as in section 104 of the District of Columbia Public Works Acts of 1954, approved May 18, 1954 (68 Stat.102; D.C. Official Code § 34-2407).

"(d-7) Any owner or occupant of a property that is charged a stormwater user fee may contest a stormwater user fee bill rendered for managing stormwater runoff, according to the same procedures provided to owners or occupants of properties that receive water and sewer services, under section 1805 of the District of Columbia Public Works Act of 1954, effective June 13, 1990 (D.C. Law 8-136; D.C. Official Code § 34-2305).".

Sec. 4. Rules.

Within 180 days of the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding

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Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 15, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 23,2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-707

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 2009

To provide, on a temporary basis, equitable real property tax relief to the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., a tax-exempt religious organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Temporary Act of 2009".

Sec. 2. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed for the period of January 1, 2005 to June 30, 2007, on the real property described as Lot 0813, Square 5434, owned by the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., be forgiven, and any payments made for such period shall be refunded.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director, dated November 17, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Vincent C Orange

Chairman
Council of the District of Columbia

Adrian M Fenty

Mayor
District of Columbia
APPROVED
January 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-708

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the Office of Administrative Hearings Establishment Act of 2001 to provide jurisdiction to the Office of Administrative Hearings to hear cases pertaining to firearm registration procedures and requirements; to amend the Firearms Control Regulations Act of 1975 to revise the definitions of the terms firearm, machine gun, pistol, and sawed-off shotgun, to add definitions for the terms assault weapon, intrafamily offense, magazine, and place of business, to provide a self-defense exemption for temporary possession of a firearm registered to another person within the registrant's home, to provide for the registration of pistols for use in self-defense within the home, to prohibit the registration of assault weapons and certain designated unsafe firearms, to provide that a person who has been convicted of an intrafamily offense within 5 years of application shall be ineligible to register a firearm, to provide that a person with multiple alcohol-related offenses within 5 years of application shall be ineligible to register a firearm, to provide that a person who within 5 years of application has had a history of violence shall be ineligible to register a firearm, to clarify that the Chief of Police may require an applicant for registration to receive training and pass testing on the use, handling, and storage of firearms, to require an applicant for registration to complete one hour of firing training and 4 hours of classroom instruction, to provide that applicants who have had civil protection or foreign protection orders entered against them shall be ineligible to register a firearm for 5 years, to establish a registration limit of one pistol per registrant per 30 days, to require a ballistics identification procedure as part of the registration process and to authorize the Chief of Police to assess a reasonable fee for the procedure, to clarify the process of revocation of a registration certificate, to provide a process for the renewal of registration certificates, to prohibit large capacity ammunition feeding devices, to provide that firearms dealers must notify the Chief of the theft or loss of any firearms or ammunition from their inventory, to provide that a dealers license shall be revoked if the dealer falls out of compliance with any of the duties or requirements, to provide that semiautomatic pistols manufactured and sold in the District be microstamped, to prohibit the sale, transfer, ownership, or possession of

designated unsafe handguns, to clarify the firearms storage policy, to establish penalties for the reckless storage of a firearm accessible by a minor, and to provide the Mayor with rulemaking authority to implement the provisions of this act; to amend the Assault Weapon Manufacturing Strict Liability Act of 1990 to change the definition of the term assault weapon to conform it with the definition used in the Firearms Control Regulations Act of 1975; to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act; and to repeal the Firearms Control Temporary Amendment Act of 2008.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Registration Amendment Act of 2008".

Amend § 2-1831.03

Sec. 2. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-2) to read as follows:

"(b-2) In addition to those adjudicated cases listed in subsections (a), (b), and (b-1) of this section, as of January 1, 2009, this act shall apply to all adjudicated cases involving:

"(1) The imposition of a civil fine for violation of firearm registrant requirements pursuant to section 209(b) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official § 7-2502.09(b))("Firearms Act");

"(2) The denial or revocation of a firearm registration certificate pursuant to section 210 of the Firearms Act; or

"(3) The denial or revocation of a dealer license pursuant to section 406 of the Firearms Act.".

Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

Amend § 7-2501.01

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) A new paragraph (3A) is added to read as follows:

"(3A)(A) "Assault weapon" means:

"(i) The following semiautomatic firearms:

"(I) All of the following specified rifles:

"(aa) All AK series including, but not limited to, the models identified as follows:

"(1) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S;

"(2) Norinco (all models);

"(3) Poly Technologies (all models);

"(4) MAADI AK47 and ARM; and

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"(5) Mitchell (all models).
"(bb) UZI and Galil;
"(cc) Beretta AR-70;
"(dd) CETME Sporter;
"(ee) Colt AR-15 series;
"(ff) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR110 C;
"(gg) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter;
"(hh) MAS 223.
"(ii) HK-91, HK-93, HK-94, and HK-PSG-1;
"(jj) The following MAC types:
"(1) RPB Industries Inc. sM10 and sM11; and
"(2) SWD Incorporated M11;
"(kk) SKS with detachable magazine;
"(ll) SIG AMT, PE-57, SG 550, and SG 551;
"(mm) Springfield Armory BM59 and SAR-48;
"(nn) Sterling MK-6;
"(oo) Steyer AUG, Steyr AUG;
"(pp) Valmet M62S, M71S, and M78S;
"(qq) Armalite AR-180;
"(rr) Bushmaster Assault Rifle;
"(ss) Calico —900;
"(tt) J&R ENG —68; and
"(uu) Weaver Arms Nighthawk.
"(II) All of the following specified pistols:
"(aa) UZI;
"(bb) Encom MP-9 and MP-45;
"(cc) The following MAC types:
"(1) RPB Industries Inc. sM10 and sM11;
"(2) SWD Incorporated -11;
"(3) Advance Armament Inc. —11; and
"(4) Military Armament Corp. Ingram M-11;
"(dd) Intratec TEC-9 and TEC-DC9;
"(ee) Sites Spectre;
"(ff) Sterling MK-7;
"(gg) Calico M-950; and

"(hh) Bushmaster Pistol.

"(III) All of the following specified shotguns:

"(aa) Franchi SPAS 12 and LAW 12; and

"(bb) Striker 12. The Streetsweeper type S/S Inc. SS/12;

"(IV) A semiautomatic, rifle that has the capacity to accept a detachable magazine and any one of the following:

"(aa) A pistol grip that protrudes conspicuously beneath the action of the weapon;

"(bb) A thumbhole stock;

"(cc) A folding or telescoping stock;

"(dd) A grenade launcher or flare launcher;

"(ee) A flash suppressor; or

"(ff) A forward pistol grip;

"(V) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

"(aa) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

"(bb) A second handgrip;

"(cc) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel; or

"(dd) The capacity to accept a detachable magazine at some location outside of the pistol grip;

"(VI) A semiautomatic shotgun that has one or more of the following:

"(aa) A folding or telescoping stock;

"(bb) A pistol grip that protrudes conspicuously beneath the action of the weapon;

"(cc) A thumbhole stock; or

"(dd) A vertical handgrip; and

"(VII) A semiautomatic shotgun that has the ability to accept a detachable magazine; and

"(VIII) All other models within a series that are variations, with minor differences, of those models listed in subparagraph (A) of this paragraph, regardless of the manufacturer;

"(ii) Any shotgun with a revolving cylinder; provided, that this sub-subparagraph shall not apply to a weapon with an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; and

"(iii) Any firearm that the Chief may designate as an assault weapon by rule, based on a determination that the firearm would reasonably pose the same or similar danger to the health, safety, and security of the residents of the District as those weapons enumerated in this paragraph.

"(B) The term "assault weapon" shall not include:

"(i) Any antique firearm; or

"(ii) Any of the following pistols, which are designed expressly for use in Olympic target shooting events, sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and used for Olympic target shooting purposes:

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

"(C) The Chief may exempt, by rule, new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exemption of competitive pistols shall be based either on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or on the recommendation or rules of any other organization that the Chief considers relevant.".

(2) A new paragraph (8A) is added to read as follows:

"(8A) ".50 BMG rifle" means:

"(A) A rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

"(B) A copy or duplicate of any rifle described in subparagraph (A) of this paragraph, or any other rifle developed and manufactured after the effective date of the Firearms Registration Emergency Amendment Act of 2008, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1073), regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.".

(3) Paragraph (9) is amended by striking the phrase "any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to," and inserting the phrase "any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to," in its place.

(4) A new paragraph (9A) is added to read as follows:

"(9A) "Intrafamily offense" shall have the same meaning as provided in D.C. Official Code § 16-1001(8).".

(5) Paragraph (10) is amended to read as follows:

"(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term "machine gun" shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.".

(6) Paragraph (12) is amended by striking the word "hand" and inserting the phrase "hand or with a barrel less than 12 inches in length" in its place.

(7) A new paragraph (12A) is added to read as follows:

"(12A) "Place of business" means a business that is located in an immovable structure at a fixed location and that is operated and owned entirely, or in substantial part, by the firearm registrant.".

(8) Paragraph (15) is amended by striking the phrase "20 inches in length' both times it appears and inserting the phrase "18 inches in length" in its place.

(b) Section 201(b) (D.C. Official Code § 7-2502.01(b)) is amended as follows: **Amend § 7-2502.01**

(1) Paragraph (3) is amended by striking the phrase "that such weapon shall be unloaded, securely wrapped, and carried in open view" and inserting the phrase "that such weapon shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-843); or" in its place.

(2) A new paragraph (4) is added to read as follows:

"(4) Any person who temporarily possesses a firearm registered to another person while in the home of the registrant; provided, that the person is not otherwise prohibited from possessing firearms and the person reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to himself or herself.".

(c) Section 202 (D.C. Official Code § 7-2502.02) is amended as follows: **Amend § 7-2502.02**

(1) Subsection (a) is amended as follows:

(A) Paragraph (3) is amended by striking the word "or" at the end.

(B) Paragraph (4) is amended to read as follows:

"(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:

"(A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours;

"(B) A police officer who has retired from the Metropolitan Police Department; or

"(C) Any person who seeks to register a pistol for use in self-defense within that person's home;".

(C) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) An unsafe firearm prohibited under section 504;

"(6) An assault weapon; or

"(7) A .50 BMG rifle.".

(2) Subsection (b) is repealed.

(d) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows: **Amend § 7-2502.03**

(1) Subsection (a) is amended as follows:

(A) Paragraph (4) is amended as follows:

(i) Subparagraph (A) is amended by striking the word "or" at the end.

(ii) New subparagraphs (C) and (D) are added to read as follows:

"(C) Two or more violations of section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05(b)), or, in any other jurisdiction, any law restricting driving under the influence of alcohol or drugs; or

"(D) Intrafamily offense;"

(B) A new paragraph (6A) is added to read as follows:

"(6A) Within the 5 years immediately preceding the application, has not had a history of violent behavior.".

(C) Paragraph (10) is amended as follows:

(i) Strike the phrase "and the safe and responsible use of the same

in accordance with tests and standards" and insert the phrase "and, in particular, the safe and responsible use, handling, and storage of the same in accordance with training, tests, and standards" in its place.

(ii) Strike the word "and" at the end.

(D) Paragraph (11) is amended by striking the period at the end and inserting a semicolon in its place.

(E) New paragraphs (12), (13), and (14) are added to read as follows:

"(12)(A) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to D.C. Official Code § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more; or

"(B) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in D.C. Official Code § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;

"(13)(A) Has completed a firearms training or safety course or class conducted by a state-certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least one hour of firing training at a firing range and a total of at least 4 hours of classroom instruction.

"(B) An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.".

"(14) Has not been prohibited from possessing or registering a firearm pursuant to section 209(b).".

(2) New subsections (d) and (e) are added to read as follows:

"(d) The Chief shall require any registered pistol to be submitted for a ballistics identification procedure and shall establish a reasonable fee for the procedure.

"(e) The Chief shall register no more than one pistol per registrant during any 30-day period; provided, that the Chief may permit a person first becoming a District resident to register more than one pistol if those pistols were lawfully owned in another jurisdiction for a period of 6 months prior to the date of the application.".

(e) Section 204 (D.C. Official Code § 7-2502.04) is amended as follows:

Amend § 7-2502.04

(1) Subsection (a) is amended by striking the phrase "5 years" and inserting the phrase "6 years" in its place.

(2) Subsection (c) is amended by striking the phrase "shall be unloaded and securely wrapped, and carried in open view" and inserting the phrase "shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-843)," in its place.

Amend § 7-2502.05

(f) Section 205(a) (D.C. Official Code § 7-2502.05(a)) is amended by striking the phrase "section 203" and inserting the phrase "sections 203 or 207a" in its place.

(g) A new section 207a is added to read as follows:

"Sec. 207a. Expiration and renewal of registration certificate.

"(a) Registration certificates shall expire 3 years after the date of issuance unless renewed in accordance with this section for subsequent 3-year periods.

"(b) A registrant shall be eligible for renewal of registration of a firearm if the registrant continues to meet all of the initial registration requirements set forth in section 203 and follows any procedures the Chief may establish by rule.

"(c) For each renewal, a registrant shall submit a statement to the Metropolitan Police Department attesting to:

"(1) Possession of the registered firearm;

"(2) The registrant's address; and

"(3) The registrant's continued compliance with all registration requirements set forth in section 203.

"(d) A registrant shall submit to a background check once every 6 years to confirm that the registrant continues to qualify for registration under section 203.

"(e)(1) The Metropolitan Police Department shall mail a renewal notice to each registrant at least 90 days prior to the expiration of the registration certificate.

"(2) A renewal application shall be received by the Metropolitan Police Department at least 60 days prior to the expiration of the current registration certificate to ensure timely renewal.

"(3) It is the duty of the registrant to timely renew a registration before its expiration date and a failure of the Metropolitan Police Department to mail or the registrant to receive the notice required under paragraph (1) of this subsection shall not prevent a registration from expiring as of that date.

"(f) An applicant for the renewal of a registration certificate may be charged a reasonable fee to cover the administrative costs incurred by the Metropolitan Police Department in connection with the renewal.

"(g) The Chief shall establish, by rule, a method for conducting the renewal of registrations for all firearms registered prior to the effective date of the Firearms Registration Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill

17-843) ("Firearms Act"). The renewals of all firearms registered prior to the effective date of the Firearms Act, shall be completed within 3 years of the effective date of the Firearms Act.".

(h) Section 209 (D.C. Official Code § 7-2502.09) is amended as follows: Amend § 7-2502.09

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Paragraph (2) is amended by adding the word "or" at the end.

(B) Paragraph (3) is amended by striking the phrase "false; or" and inserting the phrase "false." in its place.

(C) Paragraph (4) is repealed.

(3) A new subsection (b) is added to read as follows:

"(b) In addition to any other criminal or civil sanctions that may be imposed, including section 706:

"(1) A registrant shall be subject to a civil fine of $100 for the 1st violation or omission of the duties, obligations, or requirements imposed by section 208.

"(2) A registrant shall be subject to a civil fine of $500 for the 2nd violation or omission of the duties, obligations, or requirements imposed by section 208, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm for a period of 5 years.

"(3) A registrant shall be subject to a civil fine of $500 for the 3rd violation or omission of the duties, obligations, or requirements imposed by section 208, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm.".

(i) Section 210 (D.C. Official Code § 7-2502.10) is amended as follows: Amend § 7-2502.10

(1) Subsection (a) is amended to read as follows:

"(a) If it appears to the Chief that an application for a registration certificate should be denied or that a registration certificate should be revoked, the Chief shall notify the applicant or registrant of the proposed denial or revocation, briefly stating the reason or reasons therefor. Service may be made by delivering a copy of the notice to the applicant or registrant personally, or by leaving a copy thereof at the place of residence identified on the application or registration with some person of suitable age and discretion then residing therein, or by mailing a copy of the notice first class mail, postage prepaid, to the residence address identified on the application or certificate. In the case of an organization, service may be made upon the president, chief executive, or other officer, managing agent or person authorized by appointment or law to receive such notice as described in the preceding sentence at the business address of the organization identified in the application or registration certificate. The person serving the notice shall make proof thereof by preparing an affidavit identifying the person served and stating the time, place, and manner of service. The applicant or registrant shall have 15 days from the date the notice is served in which to submit further evidence in support of the application or qualifications to continue to hold a registration certificate, as the case may be;

provided, that if the applicant does not make such a submission within 15 days from the date of service, the applicant or registrant shall be deemed to have conceded the validity of the reason or reasons stated in the notice, and the denial or revocation shall become final.".

(2) A new subsection (d) is added to read as follows:

"(d) If a firearm is in the possession of the Chief, the Chief may maintain possession of the firearm for which the registrant is temporarily or permanently prohibited from having lawful possession until final disposition of the matter.".

Amend § 7-2504.04

(j) Section 404 (D.C. Official Code § 7-2504.04) is amended as follows:

(1) Subsection (a)(2)(A) is amended by striking the semicolon and inserting the phrase "or of the loss, theft, or destruction of any firearms or ammunition in the dealer's inventory;" in its place.

(2) Subsection (b) is amended by adding at the end a new sentence to read as follows:

"In addition, the records required by subsection (a) of this section shall be submitted upon demand with the dealer's application for license renewal.".

Amend § 7-2504.05

(k) Section 405 (D.C. Official Code § 7-2504.05) is amended as follows:

(1) Paragraphs (1) and (2) are amended by striking the word "or" at the end.

(2) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its place.

(3) A new paragraph (4) is added to read as follows:

"(4) The license holder no longer meets any of the criteria required by this unit .".

Amend § 7-2504.08

(l) Section 408 (D.C. Official Code § 7-2504.08) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) Beginning on January 1, 2011, no licensee shall sell or offer for sale any semiautomatic pistol manufactured on or after January 1, 2011 that is not microstamp-ready as required by and in accordance with section 503.".

(m) New sections 503 and 504 are added to read as follows:

"Sec. 503. Microstamping.

"(a) For the purposes of the section, the term:

"(1) "Firearms dealer" means a person or organization possessing a dealer's license under authority of Title IV.

"(2) "Manufacturer" means any person in business to manufacture or assemble a firearm, for sale or distribution.

"(3) "Microstamp-ready" means a semiautomatic pistol that is manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.

"(4) "Semiautomatic pistol" means a pistol capable of utilizing a portion of the

energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next round, and that requires a separate pull of the trigger to fire each successive round.

"(b) Except as provided in subsection (c) of this section, beginning on January 1, 2011, a semiautomatic pistol shall be microstamp-ready if it is:

"(1) Manufactured in the District of Columbia;

"(2) Manufactured on or after January 1, 2011, and delivered or caused to be delivered by any manufacturer to a firearms dealer in the District of Columbia; or

"(3) Manufactured on or after January 1, 2011, and sold, offered for sale, loaned, given, or transferred by a firearms dealer in the District of Columbia.

"(c)(1) A semiautomatic pistol manufactured after January 1, 2011 that is not microstamp-ready and that was acquired outside of the District by a person who was not a District resident at the time of acquisition but who subsequently moved to the District shall be registered if the requirements of this unit are met, and may be sold, transferred, or given away; provided, that the pistol shall be sold, transferred, or given away only through a firearms dealer.

"(2) If a firearms dealer lawfully acquires a microstamp-ready semiautomatic pistol that was originally purchased by a non-dealer resident of the District of Columbia, the firearms dealer shall not sell, offer for sale, loan, give, or transfer that pistol if he or she knows or reasonably should have known that the unique alphanumeric or geometric code associated with that pistol has been changed, altered, removed, or obliterated, excepting for normal wear.

"(d)(1) Except as provided in paragraph (2) of this subsection, and except for normal wear, no person shall change, alter, remove, or obliterate the unique alpha-numeric or geometric code associated with that pistol.

"(2) Replacing a firing pin that has been damaged or worn and is in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated this subsection.

"(e) Beginning January 1, 2011, a manufacturer that delivers a semiautomatic pistol, or causes a semiautomatic pistol to be delivered, to a firearms dealer for sale in the District of Columbia shall certify whether the pistol was manufactured on or after January 1, 2011 and, if it was, that:

"(1) The semiautomatic pistol will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

"(2) The manufacturer will supply the Chief with the make, model, and serial number of the semiautomatic pistol that expended the cartridge case, when presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation.

"(f) The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.

"Sec. 504. Prohibition on sale, transfer, ownership, or possession of designated unsafe pistol.

"(a) Except as provided in subsections (c), (d), or (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale, (also known as the California Roster of Handguns Determined Not to be Unsafe), pursuant to California Penal Code § 12131, as of January 1, 2009, may not be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia.

"(b) Except as provided in subsection (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may not be owned or possessed within the District of Columbia unless that pistol was lawfully owned and registered prior to January 1, 2009.

"(c) Except as provided in subsection (e) of this section, a District of Columbia resident who is the owner of a pistol lawfully registered prior to January 1, 2009, that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, and who wishes to sell or transfer that pistol after January 1, 2009, may do so only by selling or transferring ownership of the handgun to a licensed firearm dealer.

"(d) Except as provided in subsection (e) of this section, beginning January 1, 2009, a licensed firearm dealer who retains in the dealer's inventory, or who otherwise lawfully acquires, any pistol not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may sell, loan, give, trade, or otherwise transfer the firearm only to another licensed firearm dealer.

"(e) This section shall not apply to:

"(1) Firearms defined as curios or relics, as defined in 27 C.F.R. § 478.11;

"(2) The purchase of any firearm by any law enforcement officer or agent of the District or the United States;

"(3) Pistols that are designed expressly for use in Olympic target shooting events, as defined by rule;

"(4) Certain single-action revolvers, as defined by rule;

"(5) The sale, loan, or transfer of any firearm that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event;

"(6) The temporary transfer of a lawfully owned and registered firearm for the purposes of cleaning, repair, or servicing of the firearm by a licensed firearm dealer; or

"(7) The possession of a firearm by a non-resident of the District of Columbia while temporarily traveling through the District; provided, that the firearm shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16,

2008 (Enrolled version of Bill 17-843).

"(f) The Chief shall review any additions or deletions to the California Roster of Handguns Certified for Sale at least annually. For purposes of District law, the Chief is authorized to revise, by rule, the roster of handguns determined not to be unsafe prescribed by subsection (a) of this section and to prescribe by rule the firearms permissible pursuant to subsection (e) of this section.

"(g) The Chief shall provide to the licensed firearm dealers within the District information about how to obtain a copy of the California Roster of Handguns Certified for Sale and any revisions to it made the Chief.".

(n) Section 601 (D.C. Official Code § 7-2506.01) is amended as follows: Amend § 7-2506.01

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(o) Section 702 (D.C. Official Code § 7-2507.02) is amended to read as follows: Amend § 7-2507.02

"Sec. 702. Responsibilities regarding storage of firearms.

"(a) It shall be the policy of the District of Columbia that each registrant should keep any firearm in his or her possession unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device.

"(b) No person shall store or keep any firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person:

"(1) Keeps the firearm in a securely locked box, secured container, or in a location which a reasonable person would believe to be secure; or

"(2) Carries the firearm on his person or within such close proximity that he can readily retrieve and use it as if he carried it on his person.

"(c)(1) A person who violates subsection (b) of this section is guilty of criminally negligent storage of a firearm and, except as provided in paragraph (2) of this subsection, shall be fined not more than $1,000, imprisoned not more than 180 days, or both.

"(2) A person who violates subsection (b) of this section and the minor causes injury or death to himself or another shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply if

the minor obtains the firearm as a result of an unlawful entry or burglary to any premises by any person.

"(d) For the purposes of this section, the term "minor" shall mean a person under the age of 18 years.".

(p) Section 705(a) (D.C. Official Code § 7-2507.05(a)) is amended by striking the phrase "shall be unloaded and securely wrapped in a package" and inserting the phrase "shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-843)," in its place. Amend § 7-2507.05

(q) A new section 712 is added to read as follows:

"Sec. 712. Rules.

"The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this unit.".

Sec. 4. Section 3(1) of the Assault Weapon Manufacturing Strict Liability Act of 1990, effective March 6, 1991 (D.C. Law 8-263; D.C. Official Code § 7-2551.01(1)), is amended to read as follows: Amend § 7-2551.01

"(1) "Assault weapon" shall have the same meaning as provided in section 101(3A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(3A)).".

Sec. 5. Savings clause.

Nothing in section 2 shall affect any action, proceeding, or prosecution commenced before September 16, 2008. Any such action, proceeding, or prosecution shall continue, or may be enforced, in the same manner and to the same extent as if the amendments made by that section had not been made.

Sec. 6. Repealer.

The Firearms Control Temporary Amendment Act of 2008, signed by the Mayor on October 20, 2008 (D.C. Act 17-536; 55 DCR 11410), is repealed.

Sec. 7. Fiscal impact statement.

The Council adopts the December 16, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1974 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Vincent C. Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-709

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend, on a temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of, and to provide equitable real property tax relief to, the 14W and the YMCA Anthony Bowen Project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "14W and the YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Temporary Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4621. 14W and the YMCA Anthony Bowen Project - Lot 164 in Square 234.".

(b) A new section 47-4621 is added to read as follows:

"§ 47-4621. 14W and the YMCA Anthony Bowen Project - Lot 164 in Square 234.

"(a) The properties located in the District of Columbia described as Square 234, Lot 164, owned by Perseus Realty, LLC, are hereby exempt from real property taxation under Chapter 8 for 20 consecutive years: 10 years capped at the fiscal year 2008 rate, and thereafter a 10% increase allowed per annum in years 11 through 20, until the annual real property taxation equals 100%.

"(b) The 14W and the YMCA Anthony Bowen Project shall be exempt from the tax imposed by Chapter 20 of this title on materials used directly for construction of the 14W and YMCA Anthony Bowen project, subject to the provisions of § 47-1002, providing for exemption of certain real properties.

"(c) The 14W and the YMCA Anthony Bowen Project is exempt from District taxes as described in this section so long as the project consists of 231 rental apartment units (18 of which are IZ units, to be permanently reserved for residents making 60% or less of current area median income) and a 170-space, below-grade garage, 12,200 square feet of ground-floor retail

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space, and the new YMCA Anthony Bowen, a 45,000-square-foot, state-of-the-art community and wellness facility dedicated to the growing needs of the District's residents.".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-710

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

Codification District of Columbia Official Code

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To amend, on a temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide a real property tax abatement for certain real property owned by The Urban Institute.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "The Urban Institute Real Property Tax Abatement Temporary Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows: "47-4620. The Urban Institute – 10-year real property tax abatement.".

(b) A new section 47-4620 is added to read as follows:

"§ 47-4620. The Urban Institute – 10-year real property tax abatement.

"(a) Subject to subsection (b) of this section, the tax imposed by Chapter 8 of this title on the portion of the real property described as Lot 840, Square 673, that is owned by The Urban Institute, shall be abated during the following tax years in the following amounts:

"(1) Tax year 2010: $200,000; provided, that such abatement shall be applied to the 2nd semiannual installment;

"(2) Tax year 2011: $625,000;

"(3) Tax year 2012: $925,000;

"(4) Tax year 2013: $1,500,000;

"(5) Tax year 2014: $1,600,000;

"(6) Tax year 2015: $1,700,000;

"(7) Tax year 2016: $1,800,000;

"(8) Tax year 2017: $1,900,000;

"(9) Tax year 2018: $2,000,000;

"(10) Tax year 2019: $2,100,000; and

"(11) Tax year 2020: $650,000.

"(b) The abatement of real property taxes provided for by subsection (a) of this section shall apply so long as:

"(1) The real property continues to be owned and, except as set forth in paragraph (2) of this subsection, occupied by The Urban Institute;

"(2) At least 10,000 square feet of the real property is leased at a rate below the market rate to tenants that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and the leased real property is used for the tenants' exempt purposes; and

"(3) The Urban Institute files the report required by § 47-1007(a) and:

"(A) The name of each tenant of the real property that is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

"(B) The square footage leased by each such tenant;

"(C) A certification that each such tenant is being charged a lease rate that is below the market rate, a statement of the lease rate per square foot, and an explanation of the basis under which the determination was made that each such tenant's lease rate is below the market rate; and

"(D) Such other information as may be required by the Chief Financial Officer.

"(c) The Urban Institute shall be subject to § 47-1007(b) and (f).".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-711

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

To require, on a temporary basis, the Mayor to develop and present to the Council a plan to establish evening and weekend career technical training for District residents at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction, and Engineering High School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Get DC Residents Training for Jobs Now Temporary Act of 2009".

Sec. 2. Plan to establish evening and weekend adult career technical education programs.

(a) The Mayor shall develop and present to the Council a plan to establish evening and weekend adult career technical training at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction and Engineering High School.

(b) The plan shall establish a curriculum, framework, and an estimated cost to implement, beginning in the summer of 2009, evening and weekend adult career technical education classes for District residents at the Academy of Construction and Design at Cardozo Senior High School, the Hospitality High School at Roosevelt High School, and the Phelps Architecture, Construction and Engineering High School.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review

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as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-712

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

Codification District of Columbia Official Code

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To prohibit, on a temporary basis, persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so; and to amend section 23-581 of the District of Columbia Official Code to allow a law enforcement officer to make an arrest without a warrant for said violation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "GPS Anti-Tampering Temporary Act of 2009".

Sec. 2. Tampering with detection device.

(a) It shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to a protection order, pretrial, presentence, or prediposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device. For the purposes of this section, the term "device" includes a bracelet, anklet, or other equipment equipped with electronic monitoring capability or global positioning system technology.

(b) Whoever violates this section shall be fined not more than $1,000, imprisoned for not more than 180 days, or both.

Sec. 3. Section 23-581 of the District of Columbia Official Code is amended by adding a new subsection (a-4) to read as follows: Note, § 23-581

"(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in the GPS Anti-Tampering Emergency Act of 2008, passed on 2nd reading on January 6, 2009 (Enrolled version of Bill 17-1072).".

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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-713

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

To amend, on a temporary basis, Chapter 24 of Title 18 of the District of Columbia Municipal Regulations to increase parking meter rates in the District; and to direct additional revenues to specific programs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Equitable Parking Meter Rates Temporary Amendment Act of 2009".

Sec. 2. Chapter 24 of Title 18 of the District of Columbia Municipal Regulations is amended by adding a new section 2404.25 to read as follows: DCMR

"2404.25. Except as provided in § 2424, and notwithstanding the provisions of this section, the rates for parking meters in the District of Columbia shall be increased as follows:

"(1) Parking meters charging a rate of $1 per hour as of the effective date of the Equitable Parking Meter Rates Emergency Act of 2008, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1075), shall be increased to a rate of $2 per hour.

"(2) All other parking meter rates shall be increased by 25 cents per hour from rates in effect as of the effective date of the Equitable Parking Meter Rates Emergency Act of 2008, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1075).".

Sec. 3. Additional parking meter revenues.

(a) All additional parking meter revenues collected as a result of parking meter fee increases authorized in 18 DCMR § 2404.25 shall be used exclusively to fund the following programs:

(1) $1 million for a grant for affordable housing as authorized by section 14 of the City Market at O Street Tax Increment Financing Act of 2008, effective November 25, 2008 (D.C. Law 17-278; 55 DCR 11050);

(2) Local Rent Supplement Program;

(3) Housing First Program;

(4) Home Purchase Assistance Program; and

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(5) Temporary Assistance for Needy Families.

(b) The Mayor shall submit to the Council, by act, a supplemental budget to authorize additional funds for the programs listed in subsection (a) of this section no later than January 5, 2009.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

Codification District of Columbia Official Code

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West Group Publisher

To amend, on a temporary basis, the Performance Parking Pilot Zone Act of 2008 to give the Mayor authority to establish operating hours for the late-night Adams Morgan taxicab zone.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Taxi Zone Operating Hours Temporary Amendment Act of 2009".

Sec. 2. Section 7(e) of the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; 55 DCR 11059), is amended to read as follows:

"(e) For the purposes of this section, the "taxi zone hours" shall be determined by the Mayor based on the level of demand for taxis.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-715

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2009

Codification District of Columbia Official Code

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To amend, on a temporary basis, section 25-798 of the District of Columbia Official Code to clarify that an association, which includes licensees in its membership, may enter into an agreement with the Metropolitan Police Department to provide for reimbursable details.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reimbursable Details Clarification Temporary Act of 2009".

Sec. 2. Section 25-798(b) of the District of Columbia Official Code is amended by striking the phrase "group, may" and inserting the phrase "group, including an association, which includes licensees in its membership, may" in its place.

Note, § 25-798

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 28, 2009